

# EXECUTIVE BRANCH

The Constitutional Officers are elected at the same time and in the same manner as the Governor to a maximum of two four-year terms. In case of a vacancy in the office of Governor, the Lieutenant Governor shall become Governor. In case of vacancy in the office of Governor and in the Office of Lieutenant Governor, the last duly elected President pro Tempore of the Senate shall become Governor for the residue of the term; or if there be no President pro Tempore of the Senate, then the last duly elected Speaker of the Assembly shall become Governor for the residue of the term; or if there be none, then the Secretary of State; or if there be none, then the Attorney General; or if there be none, then the Treasurer; or if there be none, then the Controller.

## GOVERNOR

Gray Davis

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The supreme executive power of the State of California is vested in the Governor, whose duty it is to see that the law is faithfully executed.

The Governor is Commander in Chief of the militia of this state. He is the sole official organ of communication between the government of this state and the federal government and the other states of the United States. He must supervise the official conduct of all executive and ministerial officers, and he must see that all offices are filled and their duties performed.

The Governor's appointment power extends over the significant areas of state government. First, the Governor has authority to fill vacancies in the judiciary (municipal, superior, appeals and Supreme courts) and to fill newly created judgeships. Second, the Governor has the power to appoint a large number of positions throughout the executive department, subject to confirmation by the State Senate.

The Governor must communicate with the Legislature, during each calendar year, regarding the condition of the state and may make recommendations. The Governor must also submit an itemized budget to the Legislature within the first 10 days of each year.

The Governor may veto any bill passed by the Legislature and return it with his objections to the house of origin. He may also reduce or eliminate one or more items of appropriation while approving other portions of a bill.

In addition to his immediate staff, the Governor utilizes a cabinet, composed of the secretaries of the ten major state agencies (State and Consumer Services; Business, Transportation and Housing; Environmental Protection; Child Development and Education; Food and Agriculture; Health and Welfare; Resources Trade and Commerce; Veterans Affairs; and the Youth and Adult Correctional Agency), plus the Director of Finance, the Director of Industrial Relations, and the Director of Information Technology. This conglomerate serves as the Governor's chief policy advisory body, and in their individual capacities each implements and coordinates the Governor's policies throughout the state.

The Cabinet supplies the Governor with a comprehensive view and current resume of the state operations and serves as a source for long-range planning.

## LEUTENANT GOVERNOR

Cruz Bustamante

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The Constitution provides that the Lieutenant Governor shall be President of the Senate, but that he shall have only a casting vote. The purpose of a casting vote is to break a tie. The casting vote may be used only if it will provide the necessary majority required.

The Lieutenant Governor serves as a voting member of the Board of Regents of the University of California and a voting member of the Board of Trustees of the California State University system. The Lieutenant Governor also serves on, and rotates with the State Controller, as chair of the three-member State Lands Commission, which oversees control and leasing of millions of acres of state-owned land, including offshore oil resources, as well as use and permitting for all navigable waterways in California. The commission also manages state land-use planning and revenues, and related interstate issues. In addition, under state statutes the Lieutenant Governor chairs the California Commission for Economic Development, which provides support and guidance for the development of California's economy. The Lieutenant Governor is also a member of the California State World Trade Commission, the State Job Training Coordinating Council, and the California Emergency Council.

## SECRETARY OF STATE

Bill Jones

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The Government Code provides that the Secretary of State shall keep a correct record of the official acts of the Legislature and Executive Departments of the government and perform such duties as may be assigned by law. He is charged with the custody of the enrolled copy of the Constitution, all acts and resolutions passed by the Legislature, the Journals of each house, the Great Seal and all books, records, deeds, parchments, maps and papers, kept or deposited in the office pursuant to law. As custodian of the public archives, he must maintain and properly equip safe and secure vaults for the preservation of the documents placed in his charge.

The Secretary of State is the chief elections officer of the state and has the responsibility of administering the provisions of the Elections Code. Foremost among these duties is preparing and ordering the printing of the ballot pamphlet. This pamphlet contains a complete copy of the text of all measures submitted to the voters, a summary of the measure prepared by the Attorney General, an analysis of the measure prepared by the Legislative Analyst, arguments in support of the measure and rebuttals thereto, and the total vote on the measure in the Senate and Assembly if the proposition was passed by the Legislature. He must compile the election returns and issue certificates of election to successful candidates.

The Secretary's office also serves as a repository for various registration forms, financial statements and expenditure reports which are required to be filed in accordance with the provisions of the Political Reform Act of 1974. These documents which are submitted by candidates, elected officials, campaign organizations, political organizations and by lobbyists and their employers are available and open to public inspection.

The Secretary of State files the following documents: Corporation Documents (Articles of Incorporation, certificates of merger and/or consolidation, designation of agent for service of process, Financing Statements, notices of federal tax liens; statements of foreign lending institutions; applications for registration of trademarks; claims to names and/or insignia of Fraternal of Unincorporated nonprofit associations; claims to laundry marks; manuscripts; court orders pertaining to individual name changes; Limited Partnership documents; administrative rules and regulations adopted by states agencies and oaths of office for non-civil service officers and employees. He must affix the Great Seal, with his attestation, to commissions, pardons and other public documents which require the Governor's signature.

## ATTORNEY GENERAL

Bill Lockyer

Department Of Justice

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It is the duty of the Attorney General to see that the laws of the state are uniformly and adequately enforced in every county. He has direct supervision over every district attorney, sheriff, and other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices.

The Attorney General is the head of the Department of Justice, and, as such, he is the attorney in charge of all legal matters in which the state is interested, except the business of the Regents to the University of California or such other boards or officers as are authorized to employ their own attorneys.

It is also the duty of the Attorney General to give his opinion on questions of law, in writing, to the Legislature, to the Governor, the Secretary of State, Controller, Treasurer, State Lands Commission, Superintendent of Public Instruction, any state agency prohibited by law from employing legal counsel other than the Attorney General, and any district attorney, when required by their respective offices. He serves as legal advisor to all the state departments, as well as other important state boards and commissions.

The Department of Justice coordinates efforts to address the statewide narcotic enforcement problem; assists local law enforcement in the investigation and analysis of crimes; provides person and property identification and information services to criminal justice agencies; supports the telecommunications and data processing needs of the California criminal justice community; and pursues projects designed to protect the people of California from fraudulent, unfair and illegal activities.

# EXECUTIVE BRANCH

## CONTROLLER

Kathleen Connell

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The State Controller is the Chief Financial Officer of the State, elected by the people. The Controller's primary objectives are to: (1) provide sound fiscal control over both receipts and disbursements of public funds; (2) report periodically on the financial operations and condition of both state and local governments; (3) make certain money due the State is collected through fair equitable and effective tax administration; (4) provide fiscal guidance to local governments; (5) administer the Unclaimed Property and Property Tax Postponement Programs; and (6) develop and establish policy for a significant number of boards and commissions, including all major tax boards.

No money can be drawn from the Treasury unless it is against an appropriation made by law, and upon warrants duly drawn by the Controller. The Controller must superintend the fiscal affairs of the state and suggest plans for the improvement and management of public revenues, keep all accounts in which the state is interested, and keep a separate account of each specific appropriation, showing at all times the balance of the appropriation.

The Controller supervises the state's fiscal concerns and audits all claims against it. She directs the collections of all moneys due the state, and if necessary, is authorized to go to court to recover the property or money owed. She has general supervision over the general procedure for tax sales, tax deeds, and redemptions, and to this end may make any rules and regulations she deems advisable.

## STATE TREASURER

Philip Angelides

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The State Treasurer provides banking services for state government with goals to minimize interest and service costs and to maximize yield on investments. It is his duty to receive and keep in the vaults of the State Treasury or on deposit in banks, all moneys belonging to the state not required to be received and kept by some other person, and he must receive and keep in the vaults of the State Treasury or on deposit with any Federal Reserve bank, or with certain designated banks or trust companies, bonds and other securities or investments belonging to the state.

The Treasurer must pay warrants drawn by the Controller and keep an account of all money received and disbursed. A daily report must be filed with the Controller, indicating the amounts disbursed during the preceding day and the funds out of which they were paid. The State Treasurer is the Chairperson of the Pooled Money Investment Board which is charged with investing idle state moneys, and is responsible for selling all state bonds. On or before the 15th day of September in each even-numbered year, the Treasurer must report to the Governor the exact balance in the Treasury to the credit of the state, and a summary of the receipts and payments of the Treasury during the two preceding fiscal years.

## INSURANCE COMMISSIONER

Harry W. Low

Department Of Insurance

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Web site: [www.insurance.ca.gov](http://www.insurance.ca.gov)

The principal objective of the Department of Insurance is to protect insurance policyholders in the State.

The Insurance Commissioner determines the sufficiency of securities to be given by those engaged in the insurance business and no person may transact any class of insurance business without first being certified by the Commissioner. Beyond these provisions, the Commissioner is given broad powers to directly supervise the Department of Insurance and to perform all duties under law in regulating the business of insurance in the state. The Commissioner's powers to certify compliance with applicable state law extend to approval of insurance forms, approval of an insurance company's corporate name (as a prerequisite to the Secretary of State's filing of the articles of incorporation), and upon request of the State Treasurer, certification of qualifications of surety insurers for state demand or timed deposits or state investments in federal bonds. The Commissioner also is designed to receive and administer a \$100,000 deposit from each title insurance company doing business in the state as a guarantee fund for the security of protection of title insurance policyholders.

## STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

Delaine Eastin

DEPARTMENT OF EDUCATION

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The Superintendent of Public Instruction is a statewide constitutional officer and holds the only such office that is nonpartisan. The Superintendent is accountable to the people of California for administering and enforcing education law and regulations and for continuing to reform and improve public elementary and secondary school programs, adult education, and some preschool and child care programs.

The Superintendent is the executive officer and secretary of the State Board of Education and the director of the California Department of Education. CDE administers California's public education system at the state level. The Superintendent administers the day-to-day operation of CDE and is also responsible for two schools for the deaf, one school for the blind, and three diagnostic centers for neurologically disabled pupils.

In addition to serving as a University of California Regent, the Superintendent serves as an ex officio member of the California State University and the California Commission on Teacher Credentialing boards of trustees. The Superintendent also serves as an ex officio member or has representation on more than 70 boards, commissions, and committees established by the Department, the Legislature, or the Executive Branch.

## STATE BOARD OF EQUALIZATION

Office: 450 N Street, Sacramento 95814

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The State Board of Equalization administers eighteen tax programs for support of state and local government activities, more tax programs than any other state department. These include: Sales and Use Taxes (State, Local and Transit District); Motor Vehicle Fuel License (Gasoline) Tax; Diesel and Use Fuel Tax; Alcoholic Beverage Tax; Cigarette Tax; Tobacco Products Surtax; Insurance Tax; Energy Resources Surcharge; Emergency Tel Users Surcharge; Hazardous Substances Tax; Integrated Waste Management Fee; Underground Storage Tank Fee; Oil Spill Prevention Fees; Occupational Lead Poisoning Fee; Childhood Lead Poisoning Prevention Fees; Tire Recycling Fee; Private Railroad Car administration of the property tax.

The five-member Board was created and named in the California Constitution. Four members are elected to represent equalization districts, and the State Controller serves as an ex-officio, voting member.

The Board operates in 29 locations throughout California as well as offices in New York, Chicago and Houston. The Board administers programs generating taxes exceeding \$35 billion.

The Board adopts rules and regulations for the administration of the business tax programs and for the guidance and direction of the Board's property taxes staff, county assessors, boards and supervisors, and local assessment appeals boards in valuing property.

As an appellate body, the Board hears appeals from taxpayers on business taxes audit findings; from county officials on intra-county and inter-county property tax assessments; from public utilities on Board assessments of utility properties; and from assesses on privately owned railroad cars. The Board is also the appellate body for contested Franchise Tax Board decisions under the personal income tax laws, bank and corporation tax laws, senior citizens property tax relief laws; and for appeals from rulings of the Insurance Commissioner.

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